REMARKS

Applicants hereby reply to the Office Action dated September 8, 2004 within the shortened three month statutory period for reply. Claims 1-41 were pending in the application and the Examiner rejects claims 1-41. Applicants amend claims 34 and 36 to clarify the claims only, and as such, the claim amendments are unrelated to patentability. Support for the amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

The Examiner objects to claim 36 under 37 CFR 1.75(c) as being in improper form. Applicants amend claim 36 by adding the claim number from which claim 36 depends from in order to bring it into compliance with 37 CFR 1.75(c).

The Examiner rejects claims 34-35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amend claim 34 to bring it (and claim 35 which depends from claim 34) into compliance with 35 U.S.C. 112, second paragraph.

The Examiner rejects claims 1-41 under 35 U.S.C. 103(a) as being unpatentable over Block U.S. Patent no. 5,960,416 in view of Geerlings U.S. Patent no. 5,956,693. Applicants respectfully traverse this rejection.

Specifically, the Examiner states that Block discloses all of the limitations of claim 1 with the exception of "a first database of information having a plurality of merchant customer records and a remote merchant customer database having a first plurality of customer account as a first and second database as recited in the instant claim". The Examiner next states that "Geerlings discloses the aforementioned claimed features by providing a computer system for merchant communication to customers including a first database that stores identification and demographics of customers and a second database that stores communication information and indications of contents of communications".

Block is limited to a real time subscriber billing system where charges for services can be calculated at a subscriber location in an unstructured communications network. In other words, Block is limited to a system for storing billing information relating to usage at the subscriber location rather than at the service supplier location. For example, the standard means for calculating fees for billing purposes is to maintain usage information at the service supplier

location. Therefore, in order for the subscriber to track his or her usage, there must be a transmission from the supplier location to the subscriber location. According to Block, this can be both time consuming and expensive. The system of Block maintains usage information within a memory structure at the subscriber's location, such as within a cable television box, for example. As a result, a subscriber may monitor his or her usage and billing information without requiring a transmission from the service provider. Usage information may then be periodically transmitted to the service provider for billing.

Block discloses storing customer account information at the service supplier location. As services are used by a subscriber, a code or signal indicative of the service type and/or duration are captured and stored at the subscriber's location. Data from the subscriber's location may then be compared with data stored at the service supplier location in order to determine what services to provide to subscriber. For example, a subscriber may be the holder of a pre-paid long distance plan. As the subscriber is speaking, a monitor at the subscriber's location may receive and compile inaudible cost signals. The number of cost signals received may then be compared with the subscribers account data which is stored at the service supplier location. Account information may comprise the amount of money left in the subscriber's account along with any other details relating to the subscribers cost per minute. If the number of cost signals received at the subscriber location corresponds to the account balance at the service supplier, then the subscriber's call may be terminated. This is evidenced by the following:

> "For real time billing processing occurring in a Channel Billing Monitor 20, the number of cost signals generated or the time elapsed is detected, counted, and compared with stored subscriber account information to determine what service to provide the subscriber. For real time billing processing occurring at a Network Routing Device 30 or at a subscriber location, the number of cost signals generated or the time elapsed is detected by the Channel Billing Monitor at the Network Routing Device 30 or at the subscriber location. The number of cost signals or the elapsed time is then counted and compared with stored subscriber account information to determine what service to provide the subscriber." (column 6, lines 39-48)

The step of "comparing" as disclosed in Block does not compare two sets of data to find similarities, but instead, it determines transaction level detail regarding a subscribers account and available services. Further, the comparison step does not result in the updating of one or both of

the data sources with the same information. In other words, the two data sets as disclosed in Block serve very different purposes from each other and each contain very different types of information. The updating step disclosed in Block does not result in a synchronization in order to ensure both data sets contain the same data. As such, Block does not disclose or suggest a "a first comparison data file, said first comparison data file comprising a first record including a compilation of said merchant processing requests accepted for processing by said process server, said first comparison data file further comprising a second record including a compilation of said merchant processing requests rejected for processing by said process server", as recited by independent claim 1.

In addition to the comparison element in independent claim 1, the Examiner states that Block also does not include "the aspect of a merchant process server for appending a merchant processing request to at least one of said first plurality of customer transaction accounts to produce a merchant processing request data file". The Examiner further states that "Geerlings discloses the aforementioned claimed features by providing a computer system for merchant communication to customers including processors for appending data as well as producing data file".

Geerlings is limited to a system for classifying customers according to behavioral patterns and dynamically re-classifying customers based on changing shopping patterns in order to target communications tailored to customers based on their classification. Geerlings further discloses a means for attaching word processing files for insertion into a communication which will be directed to a group of similarly classified customers. According to Geerling:

> " Further, attachments and other word processor type documents may be compiled for print on demand or otherwise completed at the printing end of the process. In that case, recipient information is transmitted to the output means (from the digital processor assembly) for insertion into the attachments by the output means. In the case of print on demand, the output means compiles communication contents to form a print file. The print file is then downloaded or otherwise transmitted upon receipt of a print request." (column 2, lines 41-50)

The "appending" or attaching step as disclosed in Geerlings is intended to add an attachment to a communications in a manner which is very similar to attaching a file to an email document. Geerlings does not disclose appending a transaction identifier to a record in order to
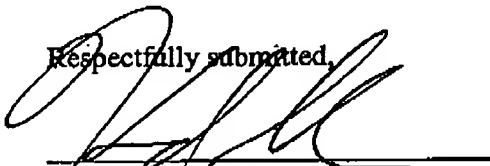
instruct a process server how to process a customer record. As such, Geerlings does not disclose or suggest a " a merchant process server for appending a merchant processing request to at least one of said first plurality of customer transaction accounts to produce a merchant processing request data file.", as recited by independent claim 1.

Claims 2-22 variously depend from independent claim 1, therefore Applicant asserts that dependent claims 2-22 are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 1 from the cited references, as well as in view of their own respective features.

The Examiner further states that in regard to claims 23-41, "all the limitations of these claims have been noted in the rejection of claims 1-22. They are therefore rejected as set forth above". Applicant asserts that independent claim 23 as well as claims 24-41, which variously depend from independent claim 23, are differentiated from the cited references for at least the same reasons as set forth above for differentiating independent claim 1 from the cited references, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as its invention and are allowable over the cited prior art. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,

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